

Notice of Allowability

Application No.

10/602,238

Examiner

Ling X. Xu

Applicant(s)

BENUM ET AL.

Art Unit

1775

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/26/2004.
2. ☒ The allowed claim(s) is/are 1-3, 5-24 and 26-48.
3. ☒ The drawings filed on 23 June 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 6/24/2003
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 7/26/2004
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


DEBORAH JONES

SUPERVISORY PATENT EXAMINER

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Kenneth Johnson on 7/26/2004.

The application has been amended as follows:

In claim 1, line 2, replace "90" with -- 40 -- and replace "10" with --60--; line 3, replace "10" with -- 60 -- and replace "90" with -- 40--.

Cancel claim 4.

In claim 5, line 1, replace "claim 4" with -- claim 3--.

In claim 22, line 1, replace "90" with -- 40 -- and replace "10" with --60--; line 3, replace "10" with -- 60 -- and replace "90" with -- 40--; line 11, replace "0.1" with --10--.

Cancel claim 25.

In claim 26, line 1, replace "claim 25" with -- claim 24--.

In claim 45, line 1, replace "exchange" with -- exchanger --.

In claim 46, line 2, replace "stainless steel tubes, pipes, or coils" with -- said stainless steel pipe or tube --.

In claim 47, line 2, replace "a heat exchanger" with -- said heat exchanger --.

In claim 48, line 2 replace "a stainless steel reactor" with – said stainless steel reactor --.

Election/Restrictions

2. Claims 1-3 and 5-21 are directed to an allowable product. Pursuant to the procedures set forth in the Official Gazette notice dated March 26, 1996 (1184 O.G. 86), claims 22-24 and 26-48, directed to the process of making or using the patentable product, previously withdrawn from consideration as a result of a restriction requirement, are now subject to being rejoined. Claims 22-24 and 26-48 are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Since all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, the restriction requirement made during a telephone conversation with Mr. Kenneth Johnson on 6/16/2004 (a provisional election was made with traverse to prosecute the invention of Group I, claims 1-21 and 43-45) is hereby withdrawn.

Allowable Subject Matter

3 Claims 1-3, 5-24 and 26-48 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: the closest prior art is Zaizen et al (JP-55141545, translation included), which teaches a ferrite stainless steel has a composition comprising a surface film having 90% or more of MnCr_2O_4 as the main component and containing MnSiO_3 (page 3 of the translation). No prior art, alone or combinable with Zaizen was found to teach the composition for the surface on the steel substrate as recited in claims 1 and 22.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ling X. Xu whose telephone number is 571-272-1546. The examiner can normally be reached on 8:00 - 4:30 Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah D. Jones can be reached on 571-272-1535. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ling X. Xu
Examiner
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